

REMARKS

The present Amendment amends claims 18 and 19, leaves claim 20 unchanged and adds new claims 21-26. Therefore, the present application has pending claims 18-26.

Applicants' Attorney, the undersigned, respectfully request that the Examiner contact Applicants' Attorney by telephone so as to discuss the outstanding issues of the present application prior to examination.

Claims 18-20 stand rejected under 35 USC §103(a) as being unpatentable over Amitay (U.S. Patent No. 5,371,780) in view of Chang (article entitled "A Multiple Access Technique for Cellular Packet Networks and Admission Control") and Quick (U.S. Patent No. 5,673,259). This rejection is traversed for the following reasons. Applicants submit that the features of the present invention as now more clearly recited in claims 18-20 are not taught or suggested by Amitay, Chang or Quick whether taken individually or in combination with each other as suggested by the Examiner. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Claims 18-20 were amended so as to more clearly describe that the present invention is directed to a system including a base station and a plurality of terminals, the base station and the terminals themselves. According to the present invention a terminal having a request for data transmission transmits a reservation packet to the base station and the base station, having received the reservation packet, transmits a reply packet to the terminal which transmitted the reservation packet in a manner such that the

reply packet is processed with a spreading code. Further, according to the present invention the base station generates a busy tone signal to control transmission of reservation packets and transmits the busy tone signal processed with a same spreading code which is used to process the reply packet.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record whether taken individually or in combination with each other. Particularly, the above described features of the present invention now more clearly recited in the claims are not taught or suggested by Amitay, Chang and Quick whether taken individually or in combination with any of the references of record.

Amitay teaches a system having a base station and a plurality of terminal wherein the terminal can request data transmission thus so by transmitting a reservation packet. However, as recognized by the Examiner at no point is there any teaching or suggestion in Amitay of the generation of a busy tone signal to control transmission of reservation packets from the terminals and that the busy tone signal and a reply packet are transmitted using the same spreading code as in the present invention. The Examiner recognizing this deficiency of Amitay attempts to supply such deficiency with Chang. However, it appears that the Examiner has completely mis-described the teachings in Chang.

In Chang, the busy tone signal is used to control transmission of packets in general but not specifically in a situation where a reservation packet is transmitted from a terminal in advance to data transmission and the

base station transmits a reply packet in response as in the present invention. In Change, there is no teaching or suggestion that the busy tone signal is used to control transmission of reservation packets as oppose to other packets and that the busy tone signal and the reply packet are transmitted using the same spreading code as in the present invention. Also, there no teaching or suggestion Chang that the busy tone signal is used to control the transmission of reservation packets as in the present invention.

The above described deficiencies of Chang are also evident in Quick. Quick teaches a broadcast channel from communicating system information including paging messages. Thus, in Quick a channel is used for several kinds of signals. However, there is absolutely no teaching or suggestion in Quick that a reservation packet is transmitted from a terminal in advance of data transmission, that the base station transmits a reply packet in response to the reservation packet, that a busy tone signal is used to control transmission of the reservation packets, and that the busy tone signal and the reply packet are transmitted using the same spreading code as in the present invention.

As is quite clear from the above, Amitay, Chang and Quick suffer from the same deficiencies relative to the features of the present invention as now more clearly recited in the claims.

Thus, Amitay, Chang and Quick fail to teach or suggest a terminal having a request for data transmission transmits a reservation packet to the base station and the base station, having received the reservation, transmits a reply packet to the terminal which transmitted the reservation packet, the reply packet being processed with a spreading code as recited in the claims.

Further, Amitay, Chang and Quick fail to teach or suggest that the base station generates a busy tone signal to control transmission of reservation packets from the terminals and transmits the busy tone signal processed with a same spreading code which is used to process the reply packet as recited in the claims.

Therefore, since each of Amitay, Chang and Quick suffer from the same deficiencies relative to the features of the present invention as now more clearly recited in the claims, combining Amitay, Chang and Quick in the manner suggested by the Examiner in the Office Action still fails to teach or suggest the features of the present invention as now more clearly recited in the claims. Accordingly, reconsideration and withdrawal of the 35 USC §103(a) rejection of claims 18-20 as being unpatentable over Amitay in view of Chang and Quick is respectfully requested.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 18-20.

As indicated above, the present Amendment adds new claims 21-26. New claims 21-26 recite many of the same features shown above not to be taught or suggested by any of the references of record particularly Amitay, Chang or Quick. Therefore, new claims 21-26 recite features not taught or suggested by any of the references of record particularly Amitay, Chang and Quick.

In view of the foregoing amendments and remarks, applicants submit that claims 18-26 are in condition for allowance. Accordingly, early allowance of claims 18-26 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.34763CX3).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



Carl I. Brundidge
Registration No. 29,621

CIB/jdc
(703) 684-1120